

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

PATERNITY ESTABLISHMENT

State Use of Genetic Testing



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EXECUTIVE SUMMARY

PURPOSE

This inspection describes State policies and practices regarding the use of genetic testing to establish paternity and highlights innovative strategies for overcoming barriers to testing.

BACKGROUND

Widespread use of genetic testing has contributed to increases in the number of paternities established in recent years. However, barriers may exist that inhibit the effective use of testing. Federal legislation requires States to empower their child support agencies with authority to order parties to submit to genetic testing. States agencies must make genetic testing available upon request of any party in a paternity case, pay for testing in some cases, and affirm that test results create a presumption of paternity. The Federal government matches State funds to cover testing expenses, and States may recoup these costs from the father once paternity is established. To obtain information on how States use genetic testing, barriers to its use, and strategies to surmount barriers, we surveyed child support agency directors in all States. Additionally, in six focus States, we surveyed local child support office managers and interviewed local managers and staff during site visits to twenty-four offices.

FINDINGS

States Use Genetic Testing in a Large Number of Paternity Cases.

State child support agencies widely agree that genetic testing should be used when *any* uncertainty about paternity exists, and report using genetic testing in a significant number of paternity cases. All but one State typically tests all three parties - child, mother and putative father - maximizing the precision of test results. Forty-three State child support agencies have the authority to administratively order parties to submit to genetic testing, while eight State agencies have no such authority, or must gain approval from the courts before requiring parties to test. Testing is occasionally used in cases in which paternity has already been established through voluntary acknowledgment or by default.

Many Mothers and Putative Fathers Have Incentives Not to Test and Other Barriers, Such as Inconvenient Testing Locations, May Inhibit the Use of Genetic Testing.

The greatest barrier to the effective use of genetic testing is a desire on the part of mothers and putative fathers *not* to establish paternity. Putative fathers may simply wish to avoid paying child support, and mothers may prefer informal support. Other barriers that inhibit use of testing include: client fear of needles, lack of transportation, inconvenient testing locations, fees charged for testing, difficulty scheduling appointments for submission of DNA samples, and intentional delays by parties attempting to prolong or avoid paternity establishment.

Some Promising Strategies to Surmount Barriers Are Used Only In Limited Areas.

Some child support staff immediately collect DNA samples from parties at their local office, thereby avoiding future delays and transportation problems. Many areas use buccal swab (cheek cells) sampling, instead of drawing blood, alleviating client fear of needles as a barrier to testing. To eliminate expense as a concern for putative fathers' use of genetic testing, some States do not seek to recoup testing costs, or allow local staff discretion to waive recoupment. However, few areas in the country appear to use all of these strategies.

RECOMMENDATIONS

Encourage All States to Give Agencies Administrative Authority to Order Genetic Testing.

Child support agencies in eight States do not have the full authority to administratively order genetic testing as required by welfare reform. Having authority to order testing is a necessary first step for child support workers to administratively establish paternity.

Encourage States to Use Innovative Strategies, Such as Buccal Swab Sampling at Local Child Support Offices.

Sample collection at local child support offices and use of buccal swab sampling help child support workers surmount barriers to the use of genetic testing. Staff report that collecting genetic samples from parties at the child support office helps avoid delays and transportation problems. Buccal swab sampling appears to be safer, easier and faster than drawing blood, and often meets less resistance from parties who may be afraid of needles.

Encourage States to Exercise Care in Allowing Genetic Testing in Cases in Which Paternity Has Already Been Established.

Routine use of genetic testing in cases in which paternity has already been legally established through voluntary acknowledgment or by default may have serious long-term consequences. Such practice could weaken the legal standing of acknowledged or defaulted paternities. State child support agencies should be encouraged to work with their legislatures, vital records agencies and court systems to develop consistent procedures regarding use of genetic testing when paternity has already been established.

AGENCY COMMENTS

The Administration for Children and Families (ACF) agreed with our recommendations that all States should grant their child support agency authority to order genetic testing, and should be encouraged to use innovative testing strategies. Regarding our recommendation that they encourage States to exercise care in genetic testing when paternity has already been established, ACF prefers to leave this to State discretion but agreed to advise States that our findings suggest the need to review their own policies and practices. We have withdrawn a recommendation that OCSE encourage States to review their recoupment policies.